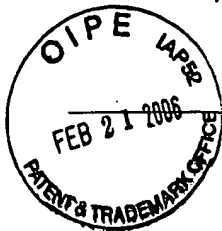


PATENT



Case Docket No. A31-6014 (ENDIUS.061A)

Date: February 16, 2006

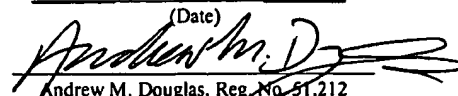
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alan E. Shluzas
Appl. No. : 10/075,668
Filed : February 13, 2002
For : APPARATUS FOR CONNECTING A
LONGITUDINAL MEMBER TO A
BONE PORTION
Group Art Unit : 3733
Class/Sub-Class : 606-061000
Examiner : Anuradha Ramana

I hereby certify that this correspondence
and all marked attachments are being
deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Mail Stop Issue Fee,
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on

February 16, 2006

(Date)


Andrew M. Douglas, Reg. No. 51,212

TRANSMITTAL LETTER

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

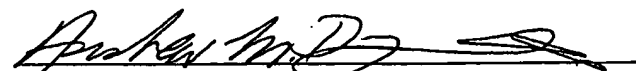
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) A Form PTOL-85;
- (X) *Comment on Statement of Reasons for Allowance* in 3 pages;
- (X) A check in the amount of \$1,009 to cover the issue fee, publication fee, and advanced order of copies; and
- (X) A Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.


Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Alan E. Shluzas
Appl. No.	:	10/075,668
Filed	:	February 13, 2002
For	:	APPARATUS FOR CONNECTING A LONGITUDINAL MEMBER TO A BONE PORTION
Examiner	:	Anuradha Ramana
Group Art Unit	:	3733

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant thanks the Examiner for the allowance of this application.

In the Notice of Allowance, the Examiner states that "[n]one of the prior art either alone or in combination, teaches, discloses or suggests, Applicant's invention of an apparatus including: a housing having a first passage configured to receive a longitudinal member and a second passage with an axis transverse to the first passage; a fastener extending through an opening in the housing and being moveable relative to the housing; the second passage of the housing having an indentation, the indentation including an axially extending surface at least partially defining the second passage and an upper surface extending transverse to the axially extending surface; a spacer received in the second passage of the housing, the spacer having a radial surface below the upper surface of the indentation; and a member contacting the upper surface of the indentation and the radial surface of the spacer that applies to an axial force to the

Appl. No. : 10/075,668
Filed : February 13, 2002

spacer to prevent relative movement between the fastener and the housing and holding the fastener in any one of a plurality of angular positions relative to the housing." Notice of Allowance, P. 3.

The foregoing quoted language appears to be a paraphrase of some of the limitations of Claim 1. Applicant notes that the other independent claims have different limitations. For example, Claim 17 recites an apparatus for connecting a longitudinal member with a bone portion, comprising:

- a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

- a housing having a first passage configured to receive said longitudinal member, said housing having a second passage therein with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage and being movable relative to said housing, said longitudinal axis of said fastener being positionable in any one of a plurality of desired angular positions relative to said longitudinal axis of said second passage, the second passage having a retention structure comprising a downwardly facing surface located adjacent an axially extending surface of the second passage;

- a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member and having a radial surface below said downwardly facing surface of said retention structure; and

- a spring member contacting the downwardly facing surface of the retention structure and said radial surface of the spacer that applies an axial force preventing relative movement between said fastener and said housing and holding said longitudinal axis of said fastener in any one of said plurality of desired angular positions relative to said longitudinal axis of said second passage, said fastener and said housing being manually movable relative to each other against said force when said spring member applies said force.

Applicant disagrees with the *Reasons for Allowance* to the extent that the Examiner's paraphrasing of claim limitations in Claim 1 could be construed as defining any additional limitations not expressly set forth in the other claims.

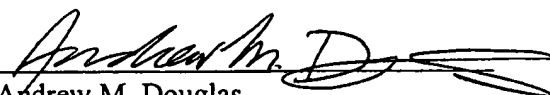
Appl. No. : 10/075,668
Filed : February 13, 2002

Additionally, Applicant notes that patentability of Claim 1 and the other claims does not depend upon the recitation of any one limitation in a claim but rather depends on the entirety of the limitations recited in the claim as a whole.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 16, 2002

By: 
Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404

2379072 // 021506

ENDIUS.061A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alan E. Shluzas
Appl. No. : 10/075668
Filed : February 13, 2002
For : APPARATUS FOR
CONNECTING A
LONGITUDINAL MEMBER TO
A BONE PORTION
Examiner : A. Ramana
Group Art Unit : 3732

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FEB 16 2006

AMENDMENT AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed August 25, 2005, Applicant respectfully submits the following claim amendments and remarks in connection with the above-identified application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Appl. No. : 10/075668
Filed : February 13, 2002

AMENDMENTS TO THE CLAIMS

1. (Previously presented) An apparatus for connecting a longitudinal member with a bone portion, comprising:

a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

a housing having a first passage configured to receive said longitudinal member, said housing having a second passage with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage and being movable relative to said housing, said longitudinal axis of said fastener being positionable in any one of a plurality of desired angular positions relative to said longitudinal axis of said second passage, the second passage having a horizontal indentation;

a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member and having a radial surface below said indentation; and

a member engaging both the horizontal indentation in the second passage and the radial surface of the spacer that applies an axial force to the spacer to prevent relative movement between said fastener and said housing and holding said longitudinal axis of said fastener in any one of said plurality of desired angular positions relative to said longitudinal axis of said second passage when said longitudinal member is disengaged from said spacer and said spacer engages said fastener, said fastener and said housing being manually movable relative to each other against said force when said longitudinal member is disengaged from said spacer and said member applies said force.

2. (Previously presented) An apparatus as defined in claim 1 wherein said member is an axially compressible member is an axial compressible member.

3. (Original) An apparatus as defined in claim 1 wherein said member is a spring member engaging said housing and said spacer.

4. (Original) An apparatus as defined in claim 3 wherein said member includes a ring member extending into a groove in said spacer and a groove in said housing.

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Filed : February 13, 2002

5. (Original) An apparatus as defined in claim 4 wherein said ring member has a gap to permit radial contraction and radial expansion of said ring member.

6. (Canceled)

7. (Original) An apparatus as defined in claim 4 wherein said ring member is arched when said ring member is disengaged from said housing and said spacer.

8. (Previously presented) An apparatus as defined in claim 1 wherein said fastener includes a first part spherical surface engageable with a part spherical surface of said housing.

9. (Original) An apparatus as defined in claim 8 wherein said fastener includes a second part spherical surface engageable with said spacer.

10. (Original) An apparatus as defined in claim 9 wherein said fastener includes a surface engageable with said spacer to limit relative movement between said fastener and said housing.

11. (Original) An apparatus as defined in claim 10 wherein said second part spherical surface has a diameter smaller than a diameter of said first part spherical surface, said surface engageable with said spacer to limit relative movement between said fastener and said housing extending between said first and second part spherical surfaces.

12. (Original) An apparatus as defined in claim 1 wherein said spacer has an opening through which a tool extends to engage said fastener when said longitudinal member is disengaged from said spacer.

13. (Original) An apparatus as defined in claim 1 wherein said spacer includes slots that receive a tool for inserting said spacer into said housing.

14. (Previously presented) An apparatus as defined in claim 1 further comprising a longitudinal member and a clamping mechanism, and wherein said clamping mechanism includes a threaded member threadably engageable with said housing.

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15. (Original) An apparatus as defined in claim 14 wherein said threaded member engages said longitudinal member to clamp said longitudinal member against said spacer.

16. (Original) An apparatus as defined in claim 14 wherein said threaded member and said housing have a buttress thread.

17. (Currently amended) An apparatus for connecting a longitudinal member with a bone portion, comprising:

a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

a housing having a first passage configured to receive said longitudinal member, said housing having a second passage therein with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage and being movable relative to said housing, said longitudinal axis of said fastener being positionable in any one of a plurality of desired angular positions relative to said longitudinal axis of said second passage, the second passage having a horizontal retention structure;

a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member and having a radial surface below said horizontal retention structure; and

a spring member engaging both the horizontal retention structure in said second passage and said radial surface of the spacer that applies an axial force preventing relative movement between said fastener and said housing and holding said longitudinal axis of said fastener in any one of said plurality of desired angular positions relative to said longitudinal axis of said second passage, said fastener and said housing being manually movable relative to each other against said force when said spring member applies said force; and

~~a structure having a relaxed state and a compressed state and engaging both the horizontal retention structure of the housing and the spring member to provide said axial force; said structure being in the compressed state when engaging the housing and the spring member.~~

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18. (Currently amended) An apparatus as defined in claim 17 wherein said spring member and said horizontal retention structure are separate members.

19. (Currently amended) An apparatus as defined in claim 17 wherein said horizontal retention structure comprises engages an indentation on said housing engaging and a radially extending surface on said spring member.

20. (Currently amended) An apparatus as defined in claim 19 wherein said indentation comprises a radially extending surface ~~and wherein said radially extending surface on said housing~~ at least partially defines defined by a circumferential groove in said housing, ~~said spring member comprises a spacer.~~

21. (Previously presented) An apparatus as defined in claim 20 wherein said spacer includes first and second radially extending surfaces and an axially extending surface defining a groove in said spacer.

22. (Previously presented) An apparatus as defined in claim 4 wherein said spacer includes first and second radially extending surfaces and an axially extending surface defining said groove in said spacer.

23. (Currently amended) An apparatus as defined in claim 20 wherein said spring member applies said axial force to said spacer to prevent said fastener and said housing from moving relative to each other when said longitudinal member is disengaged from said housing.

24.-46 (Canceled)

47. (Currently amended) An apparatus for connecting a longitudinal member with a bone portion comprising:

a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

a housing having a first passage configured to receive said longitudinal member, said housing having a second passage with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage, said housing being movable relative to said fastener, said longitudinal

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Filed : February 13, 2002

axis of said second passage being positionable in any one of a plurality of desired angular positions relative to said longitudinal axis of said fastener, the second passage having a horizontal indentation;

a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member, the spacer having a radial surface being positioned below said horizontal indentation; and

a member engaging both the horizontal indentation and the radial surface of the spacer to apply an axial force to inhibit relative movement between the fastener and the housing, the axial force holding said longitudinal axis of said second passage of said housing in any one of said plurality of desired angular positions relative to said longitudinal axis of said fastener when said longitudinal member is disengaged from said spacer and said spacer engages said fastener, said fastener and said housing being manually movable relative to each other against said force when said longitudinal member is disengaged from said spacer and said member applies said force.

48. (Previously presented) An apparatus comprising:

a longitudinal member connectable with a bone portion;

a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

a housing having a first passage configured to receive said longitudinal member, said housing having a second passage with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage and being movable relative to said housing, said longitudinal axis of said fastener being positionable in any one of a plurality of angular positions relative to said longitudinal axis of said second passage;

a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member;

a member that applies a force to prevent relative movement between said fastener and said housing when said longitudinal member is disengaged from said spacer and said spacer engages said fastener, said fastener and said housing being manually movable

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relative to each other against said force when said longitudinal member is disengaged from said spacer and said member applies said force; and

a clamping mechanism that clamps said longitudinal member, said spacer and said housing to said fastener to prevent movement of said fastener relative to said housing;

said member being a spring member engaging said housing and said spacer, said member including a ring member extending into a groove in said spacer and a groove in said housing; said ring member having a gap to permit radial contraction and radial expansion of said ring member;

said spacer including axially extending slots that receive a tool for inserting said spacer and said ring member into said housing, said slots intersecting said groove in said spacer to permit engagement of said tool with said spring member to radially contract said spring member into said groove in said spacer.

49. (Previously presented) An apparatus comprising:

a longitudinal member connectable with a bone portion;

a fastener having a longitudinal axis and engageable with the bone portion to connect said longitudinal member to the bone portion;

a housing having a first passage configured to receive said longitudinal member, said housing having a second passage with a longitudinal axis extending transverse to said first passage, said fastener extending through an opening in said housing into said second passage and being movable relative to said housing, said longitudinal axis of said fastener being positionable in any one of a plurality of angular positions relative to said longitudinal axis of said second passage;

a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member;

a member including means for applying a force to prevent relative movement between said fastener and said housing when said longitudinal member is disengaged from said spacer and said spacer engages said fastener, said member including means for permitting manual movement of said fastener and said housing relative to each other against said force when said longitudinal member is disengaged from said spacer and said force is applied; and

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Filed : February 13, 2002

a clamping mechanism that clamps said longitudinal member, said spacer and said housing to said fastener to prevent movement of said fastener relative to said housing;

said member being a spring member engaging said housing and said spacer, said member including a ring member extending into a groove in said spacer and a groove in said housing, said ring member having a gap to permit radial contraction and radial expansion of said ring member;

said spacer including axially extending slots that receive a tool for inserting said spacer and said ring member into said housing, said slots intersecting said groove in said spacer to permit engagement of said tool with said spring member to radially contract said spring member into said groove in said spacer.

50.-59. (Canceled)

Appl. No. : 10/073668
Filed : February 13, 2002

REMARKS

Upon entry of the foregoing claim amendments, Claims 1-5, 7-23, and 47-49 remain pending, Claims 17-20, 23 and 47 having been amended.

Allowed Claims

Applicant acknowledges with appreciation the Examiner's indication that Claims 1-5, 7-16, 22, 48 and 49 are allowed.

Rejection of the Claims Under 35 U.S.C. § 112

Claims 20 and 23 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner notes that "[i]n Claim 20, the limitation 'said spring member comprises a spacer' renders the claim vague and indefinite since the spring member is separate from the spacer." Claims 21 and 23 depend from Claim 20 and were rejected on the same ground as Claim 20.

Applicant has amended Claim 20 to remove the limitation "said spring member comprises a spacer." Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 20, 21, and 23.

Rejection of the Claims Under 35 U.S.C. § 102

Claims 17-21, 23, and 47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farris et al. (U.S. Pat. No. 6,485,491).

The shortcomings of the structure disclosed in the Farris patent are elaborated upon in a *Declaration of Alan E. Shluzas Pursuant to 37 C.F.R. §1.132*, filed on March 24, 2005, which is hereby incorporated into this response. In particular, as discussed in the declaration and the response originally filed on February 28, 2005, the Farris patent discloses, in connection with Figure 53, a multi-axial bone anchor assembly 262 that includes a saddle member 22d, a bone anchoring member 24a, and a washer 26d. The saddle member 22d has a channel 34d (shown in Figure 54) that receives a rod 36. A snap ring 28 secures the washer 26d in the saddle member 22d. The snap ring 28 engages a snap ring recess 266 (shown in Figure 56).

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Filed : February 13, 2002

However, even assuming that the saddle member 22d is a housing, the bone anchoring member 24a is a fastener, the washer 26d is a spacer, and the rod 36 is a longitudinal member, unlike the embodiments described in this application, the structure described in Figure 53 of the Farris patent would not prevent relative movement between a fastener and a housing and would not hold a longitudinal axis of the fastener in any one of a plurality of desired angular positions relative to a longitudinal axis of a passage in the housing when a longitudinal member is disengaged from a spacer. Also, the Farris patent does not teach an arrangement where a spacer necessarily engages a fastener when a longitudinal member is so disengaged.

Specifically, Farris does not disclose, among other things, "a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member and having a radial surface below said horizontal retention structure; and a spring member engaging both the horizontal retention structure in said second passage and said radial surface of the spacer that applies an axial force preventing relative movement between said fastener and said housing."

As discussed in the response originally filed on February 28, 2005, the embodiment of Figures 1 and 17A of Farris also does not teach or suggest at least these features.

Applicant has amended Claim 17 to recite, among other limitations, "a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member and having a radial surface below said horizontal retention structure; and a spring member engaging both the horizontal retention structure in said second passage and said radial surface of the spacer that applies an axial force preventing relative movement between said fastener and said housing." Accordingly, Applicant respectfully submits that Claim 17 is allowable over Farris. Claims 18-21 and 23 depend from amended Claim 17. Therefore, Applicant respectfully submits Claims 18-21 and 23 are likewise allowable over Farris, for at least the same reasons as Claim 17.

Applicant has also amended Claim 47 to recite, among other limitations, "a spacer received in said second passage of said housing and engageable with said fastener and said longitudinal member, the spacer having a radial surface below said horizontal indentation; and a member engaging both the horizontal indentation and the radial surface of the spacer to apply an

Appl. No. : 10/075668
Filed : February 13, 2002

axial force to inhibit relative movement between the fastener and the housing." Accordingly, Applicant respectfully submits that Claim 47 is allowable over Farris.

CONCLUSION

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.


For the foregoing reasons, the Applicant respectfully submits that the present application is in condition for allowance, and the Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 25, 2005

By:


Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,668	02/13/2002	Alan E. Shuman	A31-6014	2672
26294	7590	01/19/2006	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			RAMANA, ANURADHA	
			ART UNIT	PAPER NUMBER
			3733	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Supplemental</i> Notice of Allowability	Application No.	Applicant(s)	
	10/075,668	SHLUZAS, ALAN E.	
	Examiner	Art Unit	
	Anu Remane	3733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/25/05.
2. ☒ The allowed claim(s) is/are 1-5, 7-23 and 47-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(ii)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.


4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(e)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/4/03-12/18/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


EDUARDO C. ROBERT
 SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/075,668
Art Unit: 3733

Page 2

EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Douglas on November 15, 2005.

The application has been amended as follows:

In the claims (upon entry of the After-Final Amendment dated October 25, 2005):

In claim 1, line 10: replace "a" with -- an -- and delete "horizontal"

In claim 1, line 11: insert -- comprising an axially extending surface at least partially defining the second passage and an upper surface extending transverse to the axially extending surface; --

In claim 1, line 13: after "said (second occurrence)" insert -- upper surface of said --

In claim 1, line 15: delete "engaging both the horizontal indentation in the second passage", and insert -- contacting the upper surface of the indentation -- after "member"

In claim 13, line 1: replace "1" with -- 1 -- to correct a minor typographical error.

In claim 17, line 11: delete "horizontal" and after "structure" insert -- comprising a downwardly facing surface located adjacent an axially extending surface of the second passage; --

In claim 17, line 13: delete "horizontal" and after "said (second occurrence)" insert -- downwardly facing surface of said --

In claim 17, lines 15-16: delete "engaging both the horizontal retention structure in said second passage" and after "member" in line 15, insert -- contacting the downwardly facing surface of the retention structure --

Application/Control Number: 10/075,668
Art Unit: 3733

Page 3

In claim 47, line 10: replace "a" with -- an --

In claim 47, line 11: delete "horizontal" and after "indentation" insert --
comprising an axially extending surface at least partially defining the second passage
and an upper surface extending transverse to the axially extending surface; --

In claim 47, line 14: delete "horizontal" and after "said" insert -- upper surface of
said --

In claim 47, line 15: delete "engaging both the horizontal indentation", and after
"member" insert -- contacting the upper surface of the indentation --

The following is an examiner's statement of reasons for allowance. None of the prior art either alone or in combination, teaches, discloses or suggests, Applicant's invention of an apparatus including: a housing having a first passage configured to receive a longitudinal member and a second passage with an axis transverse to the first passage; a fastener extending through an opening in the housing and being moveable relative to the housing; the second passage of the housing having an indentation, the indentation including an axially extending surface at least partially defining the second passage and an upper surface extending transverse to the axially extending surface; a spacer received in the second passage of the housing, the spacer having a radial surface below the upper surface of the indentation; and a member contacting the upper surface of the indentation and the radial surface of the spacer that applies an axial force to the spacer to prevent relative movement between the fastener and the housing and holding the fastener in any one of a plurality of angular positions relative to the housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ari Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.


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Art Unit: 3733

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR *Amadeo Lemana*
January 12, 2006


EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER

Interview Summary	Application No.	Applicant(s)	
	10/075,668	SHLUZAS, ALAN E.	
	Examiner	Art Unit	
	Anu Ramana	3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) Andrew M. Douglas. (3) _____

(2) Anu Ramana. (4) _____

Date of Interview: 15 November 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 1, 17 and 47.


Identification of prior art discussed: Farris et al. (US 6,485,491).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's Representative agreed to amending claims 1, 17 and 47 in order to place the instant application in condition for allowance. See attached Examiner's Amendment for details.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


EDUARDO G. ROBERT
SENIOR PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filing in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Sheet 1 of 1

FORM PTO-1449 (REV. 6-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO.: A31-6014		SERIAL NO. 10/075,668	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				APPLICANT(S): Alan E. Shluzas			
				FILING DATE: February 13, 2002		GROUP: 3732	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
✓ AL	A	US-6,077,262	Jun. 20, 2000	Schlapfer et al.			
✓ AL	B	US-6,302,888	Oct. 16, 2001	Mellinger et al.			
	C						
	D						
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	K						
FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER		DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
						YES	NO
	L						
	M						
	N						
	O						
	P						
	Q						
	R						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	S						
	T						
	U						
EXAMINER		DATE CONSIDERED					
Amudha Ramana		1/12/06					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent applicants' attorney.							

Notice of References Cited	Application/Control No. 10/075,688	App. Jan(s)/Patent Under Reexamination SHLUZAS, ALAN E.	
	Examiner Anu Ramana	Art Unit 3733	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
✓	*	A US-5,639,074	08-1997	Greenhill et al.	267/162
✓	*	B US-6,547,725	04-2003	Paolitto et al.	600/201
✓	*	C US-6,287,311	09-2001	Sherman et al.	606/78
✓	*	D US-6,280,442	08-2001	Barker et al.	606/60
		E US-			
		F US-			
		G US-			
		H US-			
		I US-			
		J US-			
		K US-			
		L US-			
		M US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
		N				
		O				
		P				
		Q				
		R				
		S				
		T				

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

* A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 011206